

Senate Bill 628

By: Senator Schaefer of the 50th

AS PASSED

AN ACT

To provide a homestead exemption from Habersham County school district ad valorem taxes for educational purposes for the full value of the homestead for residents of that school district who are disabled or are 65 years of age or over and whose income, excluding certain retirement income, does not exceed \$12,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) As used in this Act, the term:

(1) "Ad valorem taxes for educational purposes" means all ad valorem taxes for educational purposes levied by, for, or on behalf of the Habersham County school district, except for ad valorem taxes to pay interest on and to retire county school district bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, but only includes real property where the person who is the applicant holds real property subject to a written lease, the applicant has held the property subject to such a lease for not less than three years prior to the year for which application is made, and the applicant is the owner of all improvements located on the real property.

(3) "Income" means federal adjusted gross income determined pursuant to the Internal Revenue Code of 1986, as amended, for federal income tax purposes. Such adjusted gross income shall include income from whatever source derived other than any federal old-age survivors or disability insurance benefits or benefits received from any retirement or pension found when such benefits are based on contributions made thereto by such resident.

(4) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under this Act is made.

(b) Each resident of the Habersham County school district who is disabled or is a senior citizen is granted an exemption on that person's homestead from all Habersham County school district ad valorem taxes for educational purposes for the full value of that homestead. The exemption under this subsection shall only be granted if that person's income does not exceed \$12,000.00 for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c)(1) In order to qualify for the exemption provided for in subsection (b) of this section as being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such physician or physicians such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.

(2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the tax commissioner of Habersham County giving the person's age and such additional information relative to receiving such exemption as will enable the tax commissioner to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The tax commissioner shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Act to notify the tax commissioner of Habersham County in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect any state ad valorem taxes, county ad valorem taxes for county purposes, municipal ad valorem taxes for municipal purposes, or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in

addition to and not in lieu of any other homestead exemption applicable to Habersham County school district ad valorem taxes for educational purposes.

(f) The exemption granted by this Act shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Habersham County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the Habersham County school district for approval or rejection. The election superintendent shall conduct that election on the date of the November, 2006, state-wide general election and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Habersham County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides a homestead exemption from Habersham County school district ad valorem taxes for educational purposes for the full value of the homestead for residents of that school district who are disabled or are 65 years of age or over and whose income, not including certain retirement income, does not exceed \$12,000.00 for real property where the person who is the applicant holds real property subject to a written lease, the applicant has held the property subject to such a lease for not less than three years prior to the year for which application is made, and the applicant is the owner of all improvements located on the real property?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2007. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Habersham County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.